THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NO.8126 OF 2007

Date: 17.9.2007

Between:

Mahabeerprasad Chowrasiya. … Petitioner.

And

The Station House Officer,
III Town Police Station,
Kothagudem, Khammam District and others. ….
Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

One Sri Mahabeerprasad Chowrasiya sent a letter dated 2.4.2007 to the Hon'ble the Chief Justice alleging that one Ajay Ganesh Anna and one Anil, claiming themselves to be members belonging to New Praja Pratigatana Dalam threatened him on phone in the month of December, 2005 to withdraw the civil suit filed by him before the Senior Civil Judge's Court at Kothagudem for partition of the ancestral property and also demanded him to arrange for an amount of Rs.50,000/- within ten days otherwise they would kill him and his family members. The letter further alleges that on 2.7.2006 the above persons kidnapped his niece's son, namely, Nattu, aged 18 years and telephonedjh to his niece Rajender Singh to immediately withdraw the civil suits and to arrange for an amount of Rs.1,50,000/- otherwise they would kill the boy and though the police were informed on 8.7.2006 about the same they did not take any action, that without there being any option they paid Rs.1.50 lakhs through the father of the kidnappers Sri Papalal Chowrasiya and thereafter the boy was released. The letter further states that on 9.1.2007 the elder son of the petitioner by name Naveen Chowrasiya was kidnapped by the above persons and demanded him on phone to provide an amount of Rs.20.00 lakhs and also to withdraw the civil suit pending before the Senior Civil Jude's Court, Kothagudem and to handover the whole suit schedule property to one Umesh Kumar Chowrasiya, that his daughter-in-law Sangeetha Chowrasiya gave a written complaint to the S.I. of III town Police

Station which was registered as case in Cr.NO.4/2007, that as no action was taken by the police, under compelling circumstances, he withdrew the civil suit and handed over the whole suit schedule property to Umesh Kumari Chowrasiya, but the kidnappers have not released his son, that the kidnappers demanded him to give an amount of Rs.3.00 lakhs, that on 9.3.2007 they informed his relative on phone that Naveen Chowrasiya was killed by them and that on the next day i.e. 10.3.2007 the police traced out the dead body of his son. It is alleged that in spite of making complaints to the police on 20.12.2005, 10.1.2006, 8.7.2006, 9.1.2007 and 10.3.2007 the police have not taken any action to arrest the kidnappers. He therefore, prayed that directions may be issued to the concerned authorities to provide protection to him and his family members and to arrest the offenders who killed his son.

In response to the notice issued, the Station House Officer, Kothagudem filed a counter-affidavit stating that the daughter-in-law of the petitioner lodged a complaint with the police on 9.1.2007 alleging that one Sri Ajay Kumar Chowrasya, resident of Kothagudem kidnapped her husband Naveen Chowrasya due to family disputes. Basing on the said complaint, Cr.No.4 of 2007 for the offence punishable under Section 365 IPC was registered. Later the complainant and another were examined and their statements were recorded and the investigation was in progress. The petitioner never lodged any complaint with the police on 8.7.2007. Even according to the petition-dated 8.7.2007, the offence has taken place in the limits of Yellandu Police Station. Further, on the petitioner lodging a complaint on 20.12.2005 a case in Cr.No.213 of 2005 under section 506 was registered against A.1 and A.2 and NBWs are pending against them. While the efforts were in progress to trace out the victim and

apprehend the accused, on 10.3.2007 A.1 and A.2 killed the deceased and on receiving the said information, the staff proceeded to Anisettipalli forest area and found the dead body of the deceased. Later the section of law was altered to 302 read with section 34 IPC and under Section 25(1)(b)(a) and 27 of Indian Arms Act. Inquest was held over the dead body of the deceased and the body was sent to the hospital for postmortem examination. During the course of investigation, they appended A.3 to A.7 who assisted A.1 and A.2 in the commission of the offence and were remanded to judicial custody on 23.3.2007 and efforts are being made to arrest A.1 and A.2. As soon as they are apprehended necessary charge sheet will be laid against them.

The averments in the counter-affidavit disclose that a crime has already been registered by the police and during the course of investigation they apprehended A.3 to A.7 and were remanded to judicial custody on 23.3.2007 and are making all out efforts to trace out A.1 and A.2. Since A.3 to A.7 were apprehended long back, respondents 1, 2 and 4 shall expedite the investigation and make all out efforts to arrest A.1 and A.2 and file charge sheet into Court. As and when charge sheet is filed into Court, the respondents are directed to communicate the same to the petitioner. With these directions, the Writ Petition is closed.

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A. GOPAL REDDY, J

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17th September, 2007 **P. SWAROOP REDDY, J**

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